

# Joint hearings on Kin-Buc adjourned to September 8/4/76

By MARK CRANE  
News Tribune staff writer

NEWARK — A joint inquiry by two state agencies regarding the possible closing of the controversial Kin-Buc landfill in Edison for alleged pollution violations has been adjourned until Sept. 20.

Hearing examiner Harold B. Kaplan, assigned to conduct the inquiry on behalf of the state Department of Environmental Protection and the Board of Public Utility Commissioners, agreed to the request of Kin-Buc attorney Theodore H. Schwartz for an adjournment of the hearings.

Yesterday's hearing was prompted by a DEP order of July 8 revoking the registration for the existing landfill and Schwartz's letter to the PUC asking the agency to intervene in the matter.

The DEP order, citing seven violations of state statutes, will be the basis for the September hearings, but other allegations of air, water and land pollution will also be considered at that time concerning Kin-Buc I.

In a related matter, DEP granted Scientific Inc., the operators of the landfill, a conditional approval of the conceptual plans for the expansion of the facility.

The Kin-Buc landfill is the only facility in the state permitted to accept hazardous wastes from industry. According to DEP estimates, Kin-Buc is now accepting 60 million gallons of liquid chemical wastes per year.

Because of the DEP order, Kin-Buc is now accepting only solid wastes.

Most of yesterday's hearing was spent debating the issue of jurisdiction for conducting a hearing and the number of parties who will be allowed to intervene in the action.

Schwartz, in a lengthy opening statement, said there are no state statutes authorizing the DEP and PUC to conduct a joint hearing, which he termed "unconstitutional."

"This is an improper proceeding," the attorney said. "The PUC regulates rates and economic aspects of landfills. It has nothing to do with this (DEP) order."

However, the two deputy attorneys general, Carla Vivian Bello for the PUC and Thomas P. Weidner for DEP, argued that each agency could independently hold a hearing and the idea to consolidate the hearings was a practical matter.

"There is no statute prohibiting a joint hearing and many have been held in the past," said Ms. Bello.

Hearing examiner Kaplan ruled that there is adequate authority to hold a joint

hearing and he repeatedly overruled Schwartz's vociferous objections.

Additional charges of pollution will be filed against the landfill by the DEP and Schwartz will be appraised of the charges well in advance of the next hearing in September, Kaplan ruled.

The towns of Edison and Sayreville and Middlesex County were allowed to enter the proceedings and are expected to produce witnesses.

Weidner said the DEP plans to present some 15 witnesses and Lawrence J. Fitzhenry, assistant Middlesex County coun-

sel, said he plans to call about 10 witnesses during the hearings.

Sayreville Borough Attorney Alan J. Karcher said he will call five witnesses and Edison Township Attorney Roland A. Winter informed Kaplan by letter that he will call 16 witnesses.

Schwartz said he isn't sure how many witnesses will be called on his client's behalf, but he indicated that all of Kin-Buc's major customers, including 64 municipalities and more than 200 industries, may be called to testify regarding the possible closing of the landfill.

## Freeholders plan move to block project

By MARC B. LEAVITT  
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The Middlesex County Board of Freeholders yesterday determined to go to Superior Court to stop the state Department of Environmental Protection from allowing expansion of the Kin-Buc Landfill in Edison.

That decision was reached after the seven freeholders heard John Runyon, chairman of the 208 Water Policy Advisory Committee, tell them that the state agency was riding roughshod over the residents of Middlesex County.

Runyon said that the DEP's decision to give conditional approval to the proposed expansion of the controversial dumping site was made without proper environmental impact studies.

"That's ridiculous," Freeholder Thomas J. Molyneux said. "If we want to put up a traffic light we have to do an environmental impact study."

Runyon maintained that the Kin-Buc site, which is a major dumping ground for toxic chemical waste products, "is polluting the Farrington Sands aquifer as well as the Raritan River" and remains a serious threat to the area's environment.

He urged the freeholders to seek injunctive relief in Superior Court under the aegis of the state's Environmental Protection Act which he said allows the county to seek court action enjoining polluters.

Middlesex County Counsel Herman Hoffman said that he would research the matter to make sure the county can re-

quest such relief at the Superior Court level.

Meanwhile, Freeholder Director Peter Daly Campbell, after a poll of the board, expressed the opinion of the consensus when he said, "I'm fully in favor of such action. An environmental impact study is vitally needed before Kin-Buc is allowed to expand."

"It's really a shame that an agency designed to protect our environment isn't doing that," Freeholder Frank Pelly said.

Middlesex County Planning Director Douglas Powell said that Kin-Buc and its proposed expansion was "a significant threat to the potable water supply of the area," and that the DEP's action in the matter in granting a conditional approval was "a harbinger of the pressures which will be brought to bear in the future regarding the disposal of waste. The county is going to have to fight this sort of thing again and again and again."

Runyon, who is also East Brunswick Township Administrator, said that DEP Commissioner David Bardin has been totally unresponsive to the needs of the county and failed to reply to two recent letters from him regarding the Kin-Buc dispute.

Kin-Buc is the largest landfill in the state and the only one licensed for the disposal of hazardous wastes. According to the conditional approval for the expansion the facility would be able to accept 1.2 million gallons of liquid waste per week.